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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,672	03/07/2002	Raymond L. White	316T-003100US	3822

22434 7590 04/18/2007  
BEYER WEAVER LLP  
P.O. BOX 70250  
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EXAMINER
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SIMS, JASON M

ART UNIT	PAPER NUMBER
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1631

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/092,672	<b>Applicant(s)</b> WHITE ET AL.	
	<b>Examiner</b> Jason M. Sims	<b>Art Unit</b> 1631	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's arguments, filed 11/6/06, have been fully considered but they are not deemed to be persuasive.

Applicants have amended their claims, filed 11/6/06, and therefore rejections newly made in the instant office action have been necessitated by amendment.

Claims 1-8 are the current claims hereby under examination.

#### ***Claim Rejections - 35 USC § 101***

Applicants have amended their claims to overcome the rejection made of claims 1-8 under 35 USC 101 and therefore, the rejection has been withdrawn.

#### ***Claim Rejections - 35 USC § 102***

*The rejection of claims 1-8 under 35 USC 102 has been maintained and an evidential reference has been introduced as necessitated by applicant's amendment.*

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Palsson (US P/N 6524797) as evidenced by familysearch.org (1999).

The claims are directed to a method of determining the statistical significance of disease incidence comprising selecting at least one founder from a computerized genealogical database, identifying a very large family from the founder in said

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computerized genealogical database, linking the very large family to a disease database, determining the incidence of disease by calculating which and how many individuals within the very large family have the disease and comparing the incidence of disease in the very large family to a general population incidence of disease and assessing a statistical significance of the disease incidence in the very large family and presenting a measure of said statistical significance on a display or printout.

Palsson teaches claim 1 at col. 3, lines 49-67 and col. 4, lines 1-4 and lines 59-67, col. 5, lines 1-10 and 38-67 and col. 6, lines 1-39. Palsson discloses that the invention can be used on a variety of populations from a variety of founders, which necessitates a selection process as required by the instant claim. Additionally, Palsson teaches selecting genetically homogeneous populations who have extensive medical and genealogical records, such as the populations of Iceland, Scandinavian, the Mormon population of Utah, and the Amish and Hutterite populations of North America, which a population such as the Mormon has their genealogical records computerized and therefore, selecting a founder and identifying a very large family from the founder from a computerized genealogical database as evidenced by the online genealogical database for the church of Jesus Christ of Latter Day Saints at [familysearch.org](http://familysearch.org). Palsson at col. 4 and 5 teaches statistically determining the degree of risk of developing the pathological condition for a disease for each individual, which is based on the number of normal and diseased individuals and their degree of genetic relatedness within said homogeneous genetic populations. Additionally, Palsson at col. 6 discusses

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epidemiological studies that have been conducted and how genetically homogeneous populations susceptible to particular pathological conditions can be determined.

Palsson teaches claims 2-4, and 7-8 at col. 4, lines 59-67 and p. 8, col. 5, lines 1-10. In the instant specification a very large family is defined as 100 or more individuals. The cited pages teach a large family as comprising a range of individuals including 100 or more.

Claims 5-6, are taught by Palsson at col. 5, lines 52-67 and col. 6, lines 1-5.

### ***Response to Arguments***

Applicant's arguments filed 11/6/2006 with respect to the rejection of claims 1-8 under 35 USC 102(e) have been fully considered but they are not persuasive.

Applicant alleges that Palsson fails to disclose, teach or suggest the selection of one or more founders from a computerized genealogical database and that the only reference to a database whatsoever is to a database of diseases.

Applicant's argument is not found persuasive as discussed above in the instant office action. Palsson indeed references genealogical databases, which have been computerized, such as selecting a founder from a genetic homogeneous population such as that of the Mormon faith, which has been shown to have a computerized genealogical database.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Conclusion**

#### **No Claim is allowed**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Sims, whose telephone number is (571)-272-7540.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Ram Shukla can be reached via telephone (571)-272-0735.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the Central PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 CFR § 1.6(d)). The Central PTO Fax Center number is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

// Jason Sims //

*John S. Brusca 16 April 2007*  
JOHN S. BRUSCA, PH.D.  
PRIMARY EXAMINER